



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/02/2023
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2891 of 2023

Abbas

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
Crime No.5/2023.

... Respondent/Complainant

For Petitioner : M/s.KAMESH N., Advocate

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.5/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 13.01.2023, for the offence punishable under Sections 294(b), 328, 353, 506(i) of IPC r/w Section 7(1), 20(2), 24(1) of Cigarette and other Tobacco Products Act, in Crime No.5 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 871kgs of banned tobacco products worth about Rs.5,65,680/-. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 13.01.2023 and the co-accused has already been enlarged on bail, as per the order of this Court in Crl.OP(MD)No.2679 of 2023, dated 10.02.2023. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused were found in illegal possession of banned tobacco products



worth about Rs.5,65,680/-. Hence, he vehemently opposed it bail to the petitioner.

5. In reply the learned counsel for the petitioner would submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and without prejudice to his rights and contentions, he is also ready to make a donation of Rs.50,000/- for any welfare scheme of the Government. Hence, he seeks bail.

6. Heard. Perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also voluntarily offer made by the petitioner to deposit amount in the Government Welfare Scheme, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of learned **Judicial Magistrate No.III, Dindigul** and on further conditions that :-

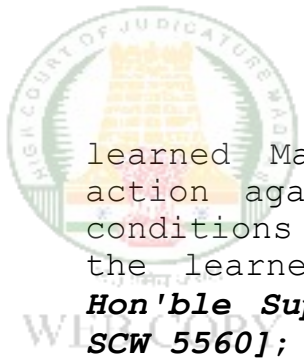
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the Head Master, V.N.T. Government Higher Secondary School, Shanmuganathapuram, Sivagangai District (State Bank of India Account No.30510642128, IFSC No.SBIN0000970 and produce the receipt/acknowledgement before the trial Court at the time of executing bond. However, it is made clear that the deposit being made by the petitioner, would not amount of admission of guilt by him;

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the **Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/02/2023

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14/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.III, DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, DINDIGUL.

4 THE INSPECTOR OF POLICE,
AMBATHURAI POLICE STATION,
DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE HEAD MASTER,
V.N.T. GOVERNMENT HIGHER SECONDARY SCHOOL,
SHANMUGANATHAPURAM, SIVAGANGAI DISTRICT.

+1 cc to Mr.N.KAMESH, Advocate, SR.No.2314 Dt.15/02/2023

ORDER

IN

CRL OP(MD) No.2891 of 2023

Date :14/02/2023

SA/SSS/SAR. /14.02.2023/3P/8C